



Moriah's holds a claim against the Debtor in the amount of at least \$1.5 million plus interest and other charges based upon a Guaranty executed by the Debtor in favor of Moriah in connection with a loan by Moriah to Cottonball, LLC, a Debtor-affiliate that owns several chicken coops.<sup>1</sup> Significantly, Moriah's claim is nearly twice as large as the largest claim listed on the Debtor's list of twenty (20) largest creditors.<sup>2</sup>

2. Moriah strongly opposes the Motion. The Motion seeks to disenfranchise Moriah from the Chapter 11 process by requiring Moriah (and all other similarly situated New York-based creditors), to travel to Iowa for Chapter 11 proceedings regarding the Debtor -- whose primary sales and financial business contacts, upon information and belief, are located in the New York and East Coast region. As a creditor, Moriah has a strong interest in the success of the Debtor's reorganization.

3. Moreover, because the Debtor is the largest processor of poultry and meat products for the American kosher consumer, upon information and belief, the largest number of consumers of the Debtor's products are located in the East Coast, centered predominantly in New York and other major Eastern cities. Accordingly, the greater number of creditors and consumers, when considered together, who have a pecuniary interest in the outcome of the Debtor's chapter 11 case are located in New York and the

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<sup>1</sup> Upon information and belief, any reorganization of the Debtor will focus initially on chicken processing, as it will likely be easier and less capital intensive to restart the chicken operations than the beef processing. As a lender against the chicken coops, Moriah is therefore a creditor in respect of Debtor's most critical operations.

<sup>2</sup> The Debtor's largest creditor listed on the Debtor's list of top 20 unsecured creditors holds a claim in the amount of \$845,389, approximately half of the amount owed to Moriah. (Moriah was not listed on the 20 largest creditor list).

East Coast, not Iowa. For these reasons alone venue should remain in this Court and the Motion should be denied.<sup>3</sup>.

### **REQUEST FOR WAIVER OF MEMORANDUM OF LAW**

4. Because the legal issues regarding the transfer of venue have been fairly addressed in the Motion and opposition by other parties, Moriah has not filed a memorandum of law, reserves the right to do so and respectfully requests that any requirement to file such a memorandum of law be waived.

### **NOTICE**

5. Moriah has provided notice of this Opposition as permitted by this Court's Administrative Order, dated December 26, 2002 (Administrative Order 473) at ¶ 7 to: (a) the United States Trustee for the Southern District of New York; (b) the Debtor's counsel; and (c) those persons who have requested notice pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure for which email addresses are available.

WHEREFORE, Moriah respectfully requests that the Motion be denied.

Dated: New York, New York  
November 24, 2008

**COHEN TAUBER SPIEVACK & WAGNER P.C.**  
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<sup>3</sup> It should also not go unnoticed that the recently appointed Chapter 11 Trustee is located in New York, Debtor's counsel is located in New York and, upon information and belief, the primary potential funding sources for the Debtor are based in New York and elsewhere on the East Coast. Accordingly, other than a physical plant, the Debtor has a greater nexus to New York than Iowa and certainly its center of business activity is centered more in New York than Iowa.

To:

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(d) Packaging Film Group, LLC Attn: Tom O'Brien 301 Industrial Drive Bellevue, NE 68005 Tel: (402) 291-3100	(e) DuBois Chemicals, Inc. Attn: Mark Bassett 3630 East Kempor Road Sharonville, OH 45241	UNITED STATES TRUSTEE William E. Curtin, Trial Attorney 271 Cadman Plaza East Rm. 4529 Brooklyn, New York 11201 Tel. No. (718) 422-4960
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